

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FILED 04 AUG 14 11:09 USDC ORP

Richard Lewis Boedigheimer

(Enter full name of plaintiff(s))

6:14 CV-1250-CL

Civil Case No. _____

Plaintiff(s),

v.

Sgt. Dave Opel

Deputy Sheriff Steven Church

Sheriff Tim Mueller and the

Linn County Sheriffs Office

(Enter full name of defendant(s))

CIVIL RIGHTS COMPLAINT

Defendant(s).

I.

A. Have you brought any other action or appeal in a court of the United States while a prisoner?

Yes ✓

No X

B. If your answer to A is yes, how many? 0. Describe the lawsuit(s) in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit:

Plaintiff(s): Richard Lewis Boedigheimer

Defendant(s): _____

2. Court: Oregon Court of Appeals
3. Docket Number: CA A155755
4. Name of judge to whom case was assigned: None yet
5. Disposition (Was the case dismissed? Was it appealed? Is it still pending?)
Still Pending

6. Approximate date of filing: November 2014
7. Approximate date of disposition: None yet

II.

Deer Ridge Correctional Institution

A. Place of confinement: 3920 E Ashwood rd Madras, OR 97741

B. Is there a prisoner grievance procedure in this institution?

Yes X No _____

C. Have you filed a grievance concerning the facts relating to this complaint?

Yes _____ No X

If your answer is no, explain why not: Has nothing to do with this institution.

D. Is the grievance process completed?

Yes _____ No X

III. PARTIES

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff: Richard Lewis Boedigheimer

Security Identification No.: 12857625

Address: 3920 E Ashwood rd Madras, OR

97741

(In item B, place the full name of each defendant, his/her official position, and his/her place of employment.

B. Defendant Dave Opel is employed as Seargent

at Linn County Sheriffs Office 1115 Jackson St SE Albany, OR

97322

Defendant Steven Church is employed as Deputy Sheriff

at Linn County Sheriffs Office 1115 Jackson St SE Albany, OR

97322

Defendant Tim Mueller is employed as Sheriff

at Linn County Sheriffs office 1115 Jackson St SE Albany, OR

97322

Defendant Linn County Sheriffs Office is employed as _____

at 1115 Jackson St SE Albany, OR 97322

Defendant _____ is employed as _____

at _____

Additional defendants: _____

IV. STATEMENT OF CLAIM

Claim I

State what right under the Constitution, laws, or treaties of the United States has been violated.

The Fourth and Eighth Amendment

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

(1) I was walking down the street in Lyons, OR (Linn County) after fishing and missing my bus to Salem, OR. I was approached by Dave Opel (LCSO) who started yelling at me to put down my fishing pole and duffel bag. He admitted at trial to coming at me aggressively. I asked him why and he started yelling louder. I put them down and he commanded me to put my hands on my head, which I did. Even though they were on my head he kept yelling at me to do so. Then Deputy Church pulls up and gets out of his car. I turn to him and say my hands are on my head. (2) All of this is occurring due to a false harassment call made against me that I was later acquitted of. (3) I turn back to face Sgt. Opel and he grabs me and throws me to the ground. While I'm face down he proceeds to smash my face into pavement with either his feet or knee. (4) In fear I get up and he comes at me with a taser. At this point I'm deathly afraid and scared because of what he did to me so I hit him once. (5) At this point he admits at trial that I'm under arrest and that I put my hands in the air. He then says he tases me with my hands in the air. (6) While shaking from taser deployed by Opel I drop to the ground and continue to shake. (7) Deputy Church then tases me approximately 2 seconds after dropping to pavement with his taser. (8) I'm then taken to Albany General Hospital for possible facial fracture according to Lyons EMS's. The possible facial fracture occurred from Sgt. Opel's actions as mentioned in (3). All of this occurred on Aug 2nd 2012 at approximately 8:00 pm.

Claim II

State what right under the Constitution, laws, or treaties of the United States has been violated.

The Fourth and the Eighth Amendment

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

I reallege (3) (8) in Supporting facts in Claim I,
2nd due to this I suffered severe pain and
mental anguish that I will live with for the rest
of my life.

Claim III

State what right under the Constitution, laws, or treaties of the United States has been violated.

The Fourth and the Eighth Amendment

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

I reallege (5)(6)(7) in supporting facts of Claim 1, and due to this I suffered extreme pain and mental anguish that I will live with for the rest of my life. I could have died from this.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

V. RELIEF

State briefly exactly relief you are seeking. Make no legal arguments. Cite no cases or statutes.

Money damages in a amount to be determined at trial by jury, but am asking for relief in the amount of \$1,100,000

Signed this 31st day of July, 2014.

Richard Bodish
(Signature of Plaintiff(s))

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AFFIDAVIT OF MAILING

CASE NAME: Richard Lewis Boedighemer v. Sgt Dave opel Deputy Steven Church Sheriff Tim Mueller and Linn County Sheriff's Office

CASE NUMBER: (if known) _____

COMES NOW, Richard Lewis Boedighemer being duly sworn on oath, depose and say: That I am incarcerated by the Oregon Department of Corrections at Deer Ridge Correctional Institution @ 3920 E Ashwood rd Madras, OR 97741

That on the 31st day of July, 2014, I personally placed in the Correctional Institution's mailing service A TRUE COPY of the following:

Inmate Boedighemers Spending Account, Certificate of Document Preparation, Application (Incarcerated) to proceed in Forma Pauperis, Civil Cover Sheet, Civil Rights Complaint, Petition for Summary Judgment, and Motion for Preliminary Injunction

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s) named at the places addressed below:

United States District Court
District of Oregon
Office of the Clerk

1000 SW Third Avenue
Suite # 740
Portland, OR

97204-2902

Richard Boedighemer
 (Signature)

State of Oregon

County of Jefferson

Signed and sworn to (or affirmed) before me on 31st of July 2014 by RICHARD BOEDIGHEMER

Marian T. Geils
 Notary Public-State of Oregon

My Commission expires: 4-13-2016

